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May 23, 2006

VIA E-FILEING AND HAND DELIVERY

The Honorable Gregory M. Sleet
United States District Court
for the District of Delaware
844 N. King Street
Wilmington, DE 19801

Re: Thermo Finnigan LLC v. Applera Corp., C.A. No. 04-1505 (GMS)

Dear Judge Sleet:

I write in regard to the Court's May 17, 2006 Order staying this action and, in particular, to the Court's concerns therein relating to the sequence of events that led to the parties requesting the stay.

We apologize if this was not clear from our submission, but we did not delay informing the Court of the parties' agreement to stay the case but, to the contrary, informed the Court within 48 hours of the parties' agreement. The defendant Applera Corp. filed its ex parte request for reexamination on April 10, 2006 (25 days after the Markman hearing), and we learned of this on April 11, 2006. However, Applera did not indicate either to the Court or to Thermo whether it intended to seek a stay of the litigation based upon this request for reexamination (which has not yet been granted by the PTO). Hearing nothing, and seeing that Applera continued to litigate, we inquired of Applera what its intentions were regarding seeking a stay. Applera eventually informed us that it intended to seek a stay, and we agreed to do this by stipulation instead of by a contested motion. Once this agreement was made, we promptly informed the Court.

We apologize for any misimpression we may have given the Court.

Respectfully,



Frederick L. Cottrell, III

The Honorable Gregory M. Sleet

May 23, 2006

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cc: Clerk of the Court (via electronic filing and hand delivery)

Josy W. Ingersoll, Esquire (via hand delivery)

Walter E. Hanley, Jr. (via facsimile)